

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKEVELINA CALCANO, ON BEHALF OF  
HERSELF AND ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

v.

KIRKLAND'S STORES, INC.,

Defendant.

Case No. 1:20-cv-6543-JGK

**RULE 26(f) REPORT AND  
DISCOVERY PLAN**

Pursuant to Your Honor's Individual Rules and Rule 26(f) of the Federal Rules of Civil Procedure, the parties conferred pursuant to Rule 26(f) and discussed, among other topics, the topics set forth below. Jeffrey Gottlieb of Gottlieb & Associates participated for Plaintiff Evelina Calcano, and Jamie Haar of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. participated for Kirkland's Stores, Inc., ("Defendant").

**Rule 26(f)(3) Topics:**

## A. The timing of discovery:

The Parties have conferred and propose the following discovery schedule.

<u>Date</u>	<u>Activity</u>
December 15, 2020	The parties shall exchange disclosures required by FED. R. CIV. P. 26.
December 23, 2020	Deadline to serve initial interrogatories and document requests.
December 23, 2020	Deadline to amend pleadings.
January 15, 2021	Deadline to serve requests for admission.
April 15, 2021	Completion of <del>fact</del> <u>a11</u> discovery.
<del>June 23, 2021</del>	<del>Expert disclosures on a matter that a party bears the burden of proof on, if any, must be made.</del>

Dispositive motions, if any, must be submitted by **May 14, 2021**. A joint pre-trial Order is due **June 4, 2021**, or 21 days after the decision on any dispositive motions. Parties should be ready for trial within 48 hours notice 14 days after the submission of the pre-trial Order.

<del>July 7, 2021</del>	<del>Rebuttal expert disclosures, if any, must be made.</del>
<del>July 21, 2021</del>	<del>Completion of expert discovery.</del>

B. The topics of discovery: Discovery will be sought regarding Defendant's website accessibility. Discovery will also be sought regarding Plaintiff's disability and his alleged attempts to utilize and/or purchase products from the Defendant's Website.

C. The Parties discussed disclosure and/or discovery of electronically stored information and will continue to meet and confer regarding the form in which such discovery should be produced.

D. The Parties do not anticipate any disputes about claims of privilege or protection at this time. The Parties plan to enter into separate stipulations concerning confidentiality and the claw-back of privileged communications which they shall attempt to negotiate and submit to the Court for its approval.

E. The Parties do not anticipate any changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure.

F. At this time, there are no other orders that the Court should issue under Rule 26(c) or Rule 16(b) and (c).

G. The Parties agree that service of documents by email is effective service and is complete upon emailing.

H. The Parties have conferred and their present best estimate of the length of the trial is 2-3 days.

Dated: December 2, 2020

SO ORDERED.

New York, New York  
December 3, 2020

/s/ John G. Koeltl  
John G. Koeltl  
U.S.D.J.

GOTTLIEB & ASSOCIATES

/s/Jeffrey M. Gottlieb, Esq.

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